

To: Diane Rice, Chair, House Judiciary Committee
From: Shirley Vincent Tiernan

EXHIBIT 2
DATE 1/18/07
HB 217

I am submitting testimony as an opponent to HB 217 for the following reasons:

I am a retired social worker who worked with children, schools, churches, courts, communities and of course, parents, grandparents, friends, aunts, uncles and adult siblings. As a child protective service worker, supervisor and regional administrator, I dealt directly with parents on a daily, weekly and monthly basis. I currently serve on the Missoula CFSD Foster Care Review Committee.

When children are finally removed from their parents or caregivers, it is frequently after several attempts to work with the family to prevent their removal. Day care, parent classes, counseling, medical recommendations, and social worker assistance are often a solution to abuse and neglect reports, enabling parents to improve their knowledge of child development and consequently change their parenting methods.

The Montana Supreme Court and the United States Supreme Court stated that parents have a constitutional right to the custody and control of their children. This is appropriate when parents treat their children in loving, humane and ethical ways. It is appropriate when parents or other caregivers do not inflict damaging physical, emotional or sexual abuse on their children. When parents behave in abusive, neglectful ways toward their children, the State has the responsibility to protect minor children.

When children are removed from their parents or caregivers, it is the current practice of Child & Family Services Division(CFSD) social workers and/or supervisors to meet with the parents or caregivers as soon as possible. At that time the parents or caregivers are given information as to why the child was removed, information about the child's placement (not including the specific address of the child) and how to get clothing, toys, schoolbooks and other possessions to the child. Parents are usually asked to bring these materials to the CFSD office. Parents are asked where the child attends school or daycare, the family's religious affiliation, if any and any medical and psychological information that would be important to the child's well-being.

HB 217 is not only repetitious, it would cause additional work for CFSD social workers, supervisors, attorneys, CASA volunteers and district courts.

I want to share with you a child protection case in which I was involved while I was working as a investigation supervisor. This information has been changed to protect confidentiality, but is technically accurate. The family consisted of 5 children, ranging in age from approximately 9 to 16. There had been multiple reports of possible abuse and neglect over a period of 3-5 years. Some were substantiated, some were not. Social workers had attempted to assist the family with child care, counseling, referrals to AA and NA.

After many reports, the children were removed due to substantiated physical abuse, psychological abuse and neglect. Sexual abuse was not substantiated but was strongly suspected due to a 15 year old girl reportedly being allowed to share a room in the family home with her 20 year old boyfriend. Both parents were suspected of selling prescription drugs which they obtained from frequenting various physicians under the guise of being in chronic pain. Drugs, including cannabis and alcohol were readily available within the family, to children and adults. Expectations for the children's behavior included physically disciplining (hitting and punching) each other, children were allowed to remain outside the home until early morning hours. Various non-related adults resided with the family. Some of them were arrested for drug use. The children attended school sporadically. They were all academically behind their grade levels. Unfortunately, most of these children had lived with their chaotic and violent environment for their entire lives. Frequent visits between the children and the parents were supervised by CFSD staff. During these visits, parents were often observed attempting to tell the children how to subvert their foster parents, group homes, teachers and counselors. Since the parents belonged to, nor participated in, any church or faith community, this was not discussed.

This case example is not the rule. However, it is quite common in essence, especially since Meth use is a major cause of child abuse and neglect in Montana. HB 217 does not add to, nor does it enhance, the ability of CFSD social workers and supervisors to keep children safe and assist parents in making the changes necessary for them to parent their children with loving discipline, religious instruction and academic success.

I ask you to vote against HB 217.

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